

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

OCT - 4 2016

CLERK, U.S. DISTRICT COURT

By _____
DAMM

GREGORY P. DAMM,

§

Petitioner,

§

VS.

§

NO. 4:16-CV-914-A

UNITED STATES OF AMERICA,

§

Respondent.

§

ORDER

Came on for consideration the petition of Gregory P. Damm for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The court finds that the petition must be dismissed.

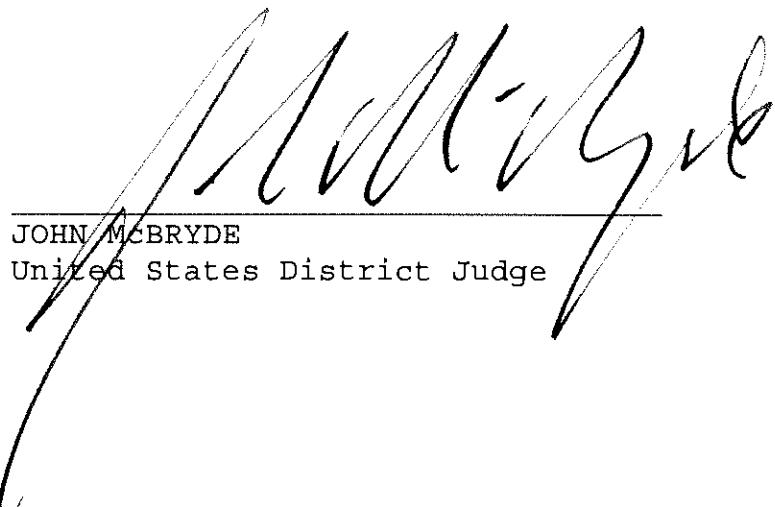
Petitioner purports to challenge his confinement in "F.C.I.- Oxford, WI" through a petition filed in the United States District Court for the Northern District of Texas. If petitioner actually seeks review of the conditions of his confinement, however, his petition must be addressed to the United States District Court for the Western District of Wisconsin. 28 U.S.C. § 2241(a).

Moreover, petitioner purports to challenge his confinement but only seeks review of the validity of his underlying conviction and seeks such review from the sentencing court. Such a challenge must be brought by motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. Further, such a motion

must be made after the petitioner's conviction has become final. Thus where, as here, petitioner admits, and the docket of the United States Court of Appeals for the Fifth Circuit reflects, that his appeal is still pending, the court lacks jurisdiction to consider a petition that challenges the validity of the conviction that is the subject of the appeal. Therefore,

The court ORDERS that the petition in this action be, and is hereby, dismissed for want of jurisdiction.

SIGNED October 4, 2016.


JOHN MCBRYDE
United States District Judge